

Message Text

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ACTION OES-06

INFO OCT-01 ISO-00 EUR-12 IO-13 FEA-01 ACDA-07 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00

DLOS-06 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 /127 W

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R 101432Z AUG 76

FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC 9197

INFO AMEMBASSY COPENHAGEN

AMEMBASSY MOSCOW

AMEMBASSY UBFIA

AMEMBASSY WARSAW

USUN NEW YORK 611

LIMITED OFFICIAL USE BUCHAREST 4692

STATE FOR OES/OFA

E.O. 11652: N/A

TAGS: EFIS, RO, ICNAF, PLOS, XN, US

SUBJ: US-ROMANIAN FISHERIES NEGOTIATIONS

1. SUMMARY. US DEL MET AUGUST 9 WITH GENERALLY WELL INFORMED GOR REPS TO BEGIN NEGOTIATIONS. ECONOMIC COOPERATION ISSUE AROSE AND WAS COMPLICATED BY INTRODUCTION BY GOR OF CONCEPT OF MOST-FAVORED-NATION STATUS. DISCUSSION OF GEAR DAMAGE CLAUSE BROUGHT FORTH GOR PROPOSAL THAT THE COMMITMENT BE RECIPROCAL. US DEL RESPONDED BY PROPOSING INCLUSION OF CALIMS BOARD FROM PREVIOUS DRAFT AGREEMENT. GOR EXPRESSED DEEP CONCERN OVER FEE SCHEDULE AND REQUESTED DETAILS ON FEES SOONEST. END SUMMARY.

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2. US DELEGATION MET WITH GOR AUG 9 FOR OPENING SESSIONS OF GIFA NEGOTIATIONS. DISCUSSIONS COVERED PREAMBLE AND ARTICLES ONE THROUGH NINE. DIFFERENCES ENCOUNTERED SO FAR CAN GENERALLY BE RESOLVED THROUGH ANNEXES OR AGREED MINUTES. GOR REQUESTED AMPLIFICATION ON ARTICLE TWO PARA 4 REGARDING THE EXTENT OF THE NEW US CONTIGUOUS ZONE AS DIFFERENTIATED FROM THE BREADTH OF THE TERRITORIAL SEA. THE DEFINITION IN THE DRAFT WAS NOT CLEAR TO THEM. DEL IS PREPARING AN AGREED MINUTE WHICH WILL REITERATE DEFINITION BUT IN DIFFERENT WORDS, IF NECESSARY.

3. GOR EXPRESSED DESIRE THAT MOST-FAVORED-NATION STATUS WOULD IMPROVE THEIR POSITION ON ECONOMIC COOPERATION USSUE, RATHER THAN TRADITIONAL FISHING AND OTHER CRITERIA DELINEATED IN ARTICLE FOUR. US DEL RESPONDED THAT LAW REQUIRES CONSIDERATION OF ARTICLE FOUR CRITERIA BUT THAT OTHER FACTORS MAY ALSO BE CONSIDERED. GOR PRESSED ISSUE STRONGLY AND LEFT IT OPEN AT END OF DAY. US DEL SAID IT WOULD TRY TO FIND SOME MUTUALLY ACCEPTABLE LANGUAGE TO EXPAND ON OTHER FACTORS BUT COULD NOT ACCEPT REFERENCE TO MOST-FAVORED-NATION STATUS. US DEL INTENDS TO REMAIN FIRM ON MFN EXCLUSION.

4. GOR ASKED MEANING OF "DULY AUTHORIZED ENFORCEMENT OFFICIAL" CONTAINED IN ARTICLE NIN PARA ONE. U S DELEGATION OFFERED EXPLANATION THAT THIS WOULD INCLUDE COAST GUARD, NMFS INSPECTORS, AND POSSIBLY INDIVIDUAL STATE INSPECTORS. GOR ACCEPTED EXPLANATION BUT DESIRES DEFINITION INSERTED IN ARTICLE 2. US DEL AGREED WITH GOR PROPOSAL TO PUT PARA 2 OF ARTICLE 9 UNDER ARTICLE 10.

5. DISCUSSIONS ALSO INCLUDED PROPOSED ELECTRONIC POSITION FIXING DEVICE WHICH US WILL DEVELOP AND INSTALL ON GOR VESSELS. GOR REPS WERE CONCERNED US WOULD REQUIRE THE DEVICE TO BE ABOARD VESSELS EVEN WHEN OUTSIDE FISHERIES CONSERVATION ZONE. THEY ALSO WANTED TO KNOW IF THE DEVICES COULD BE TRANSFERRED FROM ONE VESSEL TO ANOTHER WHEN ONE DEPARTED THE ZONE AND ANOTHER ARRIVED, HENCE REQUIRING FEWER TOTAL DEVICES.

6. ON GEAR DAMAGE COMPENSATION ISSUE, ARTICLE EIGHT, PARA FIVE, GOR PROPOSED THAT THE ITEM SHOULD BE RECIPROCAL. US DEL RESPONDED BY PROPOSING, IN ADDITION TO PRESENT PARAGRAPH, THE INCLUSION AS AN ANNEX OF THE CLAIMS BOARD SET FORTH IN ANNEX THREE TO PREVIOUS LIMITED OFFICIAL USE

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DRAFT AGREEMENT. THIS IDEA SEEMED NEW TO GOR DEL AND SOME TIME WAS SPENT IN REVIEWING THE CLAIMS BOARD ANNEX AND EXPLAINING ITS FUNCTION. ALTHOUGH STOPPING SHORT OF ACCEPTANCE OF THE CONCEPT TODAY, GOR DEL AGREED TO STUDY THE PROPOSAL AND COMMENT AT NEXT SESSION. GOR DEL ALSO NOTED THAT, IF CLAIMS BOARD IS INCLUDED IN NEW AGREEMENT, THEN PARA FIVE, ARITICLE EIGHT OF DRAFT GIFA BECOMES SUPERFLUOUS AND COULD BE DELETED. US DEL INTENDS TO HOLD FIRM ON RETAINING PARA FIVE, EVEN WITH CLAIMS BOARD, SINCE

DECISIONS OF BOARD ARE NOT BINDING. THIS COULD BECOME SIGNIFICANT
ISSUE BETWEEN THE TWO SIDES, HOWEVER, AS NEGOTIATIONS CONTINUE.

7. GOR DEL EXPRESSED VERY GREAT CONCERN OVER FEES FOR PERMITS,
NOTING THAT AMOUNT OF FEES COULD LIKELY BE CONTROLLING FACTOR
IN DETERMINING WHETHER THEIR FISHING OFF US COAST WOULD BE
ECONOMICALLY FEASIBLE. US DEL EXPLAINED CURRENT EFFORT IN COMMERCE
DEPT TO COMPLETE WORK ON FEE STRUCTURE, EMPHASIZED REASONABLE AND
NON-DISCRIMINATORY NATURE OF FEES AND PROMISED INFORMATION AS SOON
AS AVAILABLE.

8. BEST ESTIMATE NOW IS THAT THESE NEGOTIATIONS WILL RESULT
IN AN AGREED TEXT WHICH CAN BE INITIALED AD REFERENDUM TO
GOVERNMENTS WITH A DATE IN EARLY FALL FOR SIGNING IN WASHINGTON.
VIETS

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